

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JULIANN IRENE THOMAS

1191 Adkins Road
McKinleyville, CA 95519

Registered Nurse License No. **414836**

Respondent

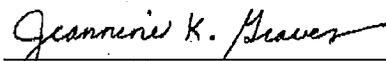
Case No. 2011-504

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 15, 2011.**

IT IS SO ORDERED **April 15, 2011.**



President

Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Stipulated Surrender of
11 License by:

Case No. 2011-504

12 **JULIANN I. THOMAS**
13 **aka JULIANN IRENE THOMAS**
14 **1191 Adkins Road**
McKinleyville, CA 95519

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 **Registered Nurse License No. RN 414836**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant), is the Executive Officer of the Board of
21 Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely in
22 her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General
23 of the State of California, by Leslie E. Brast, Deputy Attorney General.

24 2. Juliann Irene Thomas (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about August 31, 1987, the Board issued Registered Nurse License No. RN
27 414836 to Juliann I. Thomas, aka Juliann Irene Thomas (Respondent). The license expired on
28 June 30, 2009, and has not been renewed.

JURISDICTION

4. This matter is brought before the Board pursuant to Business and Professions Code (Code) section 2751, which states:

“(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of a registered nurse to practice nursing safely is impaired due to mental or physical illness.

“(b) This alternative proceeding shall apply only to cases that would otherwise have been processed pursuant to Section 820.¹

“(c) Until the time that the licensee signs the stipulated agreement for license surrender, he or she may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

“(d) The stipulated agreement in this alternative proceeding shall specify that:

“(1) The license surrender shall be public information and shall be considered a disciplinary action.

“(2) The licensee may petition the board for reinstatement after a period of not less than one year after the effective date of the decision.

“(3) Any reinstatement proceeding shall be conducted pursuant to Section 2760.1.

“(4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit competent evidence of the ability to safely and competently practice as a registered nurse.”

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¹ Code section 820 authorizes licensing agencies to order examination of a licensee by agency-designated physicians or psychologists “[w]henver it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency. . . The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.” Code section 821 states that “[t]he licentiate’s failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate’s certificate or license.”

1 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license.

4 ADVISEMENT AND WAIVERS

5 6. Respondent has carefully read and understands this Stipulated Surrender of License
6 and Order and its effects on her registered nurse license.

7 7. Respondent is fully aware of her legal rights in this matter, including the right to be
8 represented by counsel at her own expense; the right to elect formal administrative adjudication
9 of this matter following the Board's filing of a pleading; and all the other rights accorded by the
10 California Administrative Procedure Act pursuant to Chapter 5 (commencing with Section 11500)
11 of Part 1 of Division 3 of Title 2 of the Government Code.

12 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
13 every right set forth above.

14 STIPULATED SURRENDER

15 9. Respondent stipulates pursuant to Code section 2751 that her ability to safely practice
16 nursing is impaired due to mental or physical illness in that she is under the care of a physician
17 and a therapist for bi-polar disorder and major depression. As a result, she is unable to practice
18 nursing and allowed her license to expire in June 2009.

19 10. Respondent hereby surrenders Registered Nurse License No. 414836 for the Board's
20 formal acceptance.

21 11. Respondent understands that by signing this stipulation she enables the Board to issue
22 an order accepting the surrender of her license without further process.

23 CONTINGENCY

24 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
25 Respondent understands and agrees that counsel for Complainant and Board staff may
26 communicate directly with the Board regarding this stipulation and surrender, without notice to or
27 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
28 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board

1 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
2 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
3 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
4 be disqualified from further action by having considered this matter.

5 13. The parties understand and agree that facsimile copies of this surrender of license and
6 order, including facsimile signatures thereto, shall have the same force and effect as the originals.

7 14. This Stipulated Surrender of License and Order is intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
11 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
12 executed by an authorized representative of each of the parties.

13 15. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Board may, without further notice or formal proceeding, issue and enter the following Order:

15 **ORDER**

16 IT IS HEREBY ORDERED that Registered Nurse License No. RN 414836, issued to
17 Respondent Juliann I. Thomas, aka Juliann Irene Thomas, is surrendered and accepted by the
18 Board of Registered Nursing.

19 1. The surrender of Respondent's license and the acceptance of the surrendered license
20 by the Board shall be public information and shall constitute the imposition of discipline against
21 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
22 Respondent's license history with the Board.

23 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
24 the effective date of the Board's Decision and Order.

25 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
26 issued, her wall license certificate on or before the effective date of the Decision and Order.

27 4. If Respondent ever files an application for licensure or a petition for reinstatement in
28 the State of California, the Board shall treat it as a petition for reinstatement. Any reinstatement

1 proceeding shall be conducted pursuant to Business and Professions Code section 2760.1.
 2 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
 3 revoked license in effect at the time the petition is filed, and all of the admissions and stipulations
 4 contained in this Stipulated Surrender of License and Disciplinary Order shall be deemed to be
 5 true, correct and admitted by Respondent when the Board determines whether to grant or deny the
 6 petition. Upon seeking reinstatement, it is the responsibility of the former licensee to submit
 7 competent evidence of her ability to safely and competently practice as a registered nurse.

8 5. Respondent shall not apply for licensure or petition for reinstatement for one (1) year
 9 from the effective date of the Board of Registered Nursing's Decision and Order.

10 ACCEPTANCE

11 I have carefully read the Stipulated Surrender of License and Order. I understand the
 12 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
 13 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
 14 by the Decision and Order of the Board of Registered Nursing.

15 *Juliann Irene Thomas*
 16 DATED: 3/2/2011

JULIANN IRENE THOMAS
 Respondent

19 ENDORSEMENT

20 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
 21 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

22 Dated: December 3, 2010

Respectfully submitted,
 EDMUND G. BROWN JR.
 Attorney General of California
 FRANK H. PACOE
 Supervising Deputy Attorney General

Leslie E. Brast
 LESLIE E. BRAST
 Deputy Attorney General
 Attorneys for Complainant

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